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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WALEED AL-QARQANI, et al.,
Petitioners,
v.
CHEVRON CORPORATION and
CHEVRON U.S.A. INC.,
Respondents.

Case No. 4:18-cv-03297-JSW

**REPLY IN SUPPORT OF
RESPONDENTS' MOTION FOR
ENTRY OF JUDGMENT IN
ACCORDANCE WITH ORDER
GRANTING RESPONDENTS'
MOTION FOR ATTORNEYS' FEES**

Judge: Hon. Jeffrey S. White

HEARING:

Date: January 12, 2024

Time: 9:00 AM

Edward Chung's opposition to Respondents Chevron Corporation and Chevron U.S.A. Inc.'s motion for an entry of judgment merely rehashes frivolous arguments that both the Ninth Circuit and this Court have already rejected. Because Mr. Chung offers no basis on which this Court should decline to enter judgment, Respondents respectfully request that this Court enter judgment in accordance with the Court's October 24, 2023 order awarding Respondents' attorneys' fees and prejudgment interest as a compensatory sanction pursuant to the Ninth Circuit's June 26, 2023 order.

Mr. Chung's arguments—many of which are copied and pasted word-for-word from Mr. Chung's prior sur-reply opposing Respondents' request for fees in this Court, *compare, e.g.*, Dkt. 190 at 16–20, *with* Dkt. 194 at 15–19—all go to the propriety of the fee award this Court has already imposed in accordance with the Ninth Circuit's order. Those rulings are now law of the case and are not subject to further dispute. *See Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir. 1993) (“[A] court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case.”). In any event, both the Ninth Circuit and this Court have correctly rejected Mr. Chung's meritless contentions, and Mr. Chung identifies no plausible justification for revisiting them yet again before judgment is entered. *See* Dkt. 186 at 2 (Ninth Circuit finding “meritless” Mr. Chung's arguments that “this court lacks jurisdiction to impose sanctions,” that “the Special Master violated certain procedural and due process requirements,” that “the Special Master applied incorrect substantive law,” and that “the sanctions proceedings resulted from judicial bias and misconduct”); Dkt. 191 (awarding fees over Mr. Chung's objections).

Nowhere in Mr. Chung's opposition does he address the only issue properly before the Court: whether to enter judgment in accordance with the Ninth Circuit's and this Court's prior determinations that Mr. Chung should pay Respondents' attorneys' fees as a compensatory sanction. Mr. Chung's brief does not even mention Federal Rule of Civil Procedure 58, let alone offer any basis why the Court should not either enter judgment directly pursuant to Rules 58(d) and 58(a) or direct the Clerk of Court to enter judgment pursuant to Rule 58(b). The Court should grant Respondents' motion and enter judgment accordingly.

For the foregoing reasons, Respondents respectfully request that the Court enter judgment against Mr. Chung for the full amount of fees Respondents sought before the Ninth Circuit

1 (\$251,313.72), plus appropriate interest in the amount of \$16,970.13, for a total award of \$268,283.85
2 as a compensatory sanction pursuant to the Ninth Circuit's June 26, 2023 order.

3 DATED: December 11, 2023

Respectfully submitted,

4 GIBSON, DUNN & CRUTCHER LLP

5 By: /s/ Anne Champion

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